

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS

**FILED**  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF TEXAS

SEP 13 2010

DAVID J. MALAND, CLERK  
BY  
DEPUTY Am

Fernando Barajas

\_\_\_\_\_  
(Name of plaintiff or plaintiffs)

**Judge Clark**  
**Judge Giblin**

VS

MISC NO. \_\_\_\_\_  
CIVIL ACTION NO. 1:10CV0565

Atlanta CSO Constructors  
or Obayashi corporation

\_\_\_\_\_  
(Name of defendant or defendants)

COMPLAINT UNDER TITLE VII OF THE CIVIL RIGHTS ACT OF 1964

1. This action is brought pursuant to Title VII of the Civil Rights Act of 1964 for employment discrimination. Jurisdiction is specifically conferred on the Court by 42 U.S.C. § 2000e-5. Equitable and other relief are also sought under 42 U.S.C. § 2000e-5 (g).
2. Plaintiff, Fernando Barajas, is a citizen of the United States  
(Name of Plaintiff)  
and resides at 3954 15th St, Port Arthur,  
(Street Address) (City)  
Texas, 77642, 678-5210279.  
(County) (State) (Zip) (Telephone)
3. Defendant, Atlanta CSO Constructors lives at, or its business is  
(Name of Defendant)  
located at 1870 The Exchange Suite 250 Atlanta,  
(Street Address) (City)  
GA, 30329.  
(County) (State) (Zip)

4. Plaintiff sought employment from the defendant or was employed by the defendant at

2549 - Chattahoochee Circle, Atlanta GA,  
 (Street Address) (City)  
 \_\_\_\_\_, GA, 30318.  
 (County) (State) (Zip)

5. Defendant discriminated against plaintiff in the manner indicated in paragraphs 9 and 10

of the complaint on or about 10 of September, 2007.  
 (Day) (Month) (Year)

6. Plaintiff filed charges against the defendant with the Equal Employment Opportunity

Commission charging defendant with the acts of discrimination indicated in paragraphs 9 and 10 of this complaint on or about \_\_\_\_\_ of \_\_\_\_\_, \_\_\_\_\_.  
 (Day) (Month) (Year)

7. The Equal Employment Commission issued a Notice of Right to Sue which was received

by plaintiff on 02 of September, 2010.  
 (Day) (Month) (Year)

8. Because of plaintiff's (1) X race, (2) \_\_\_\_\_ color, (3) \_\_\_\_\_ sex,

(4) \_\_\_\_\_ religion, (5) \_\_\_\_\_ national origin, defendant:

(a) \_\_\_\_\_ failed to employ plaintiff.

(b) \_\_\_\_\_ terminated plaintiff's employment.

(c) \_\_\_\_\_ failed to promote plaintiff.

(d) discriminated against me because of  
my national origin and because  
of speak Spanish

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Defendant #3: \_\_\_\_\_

Defendant #4: \_\_\_\_\_

## IV. STATEMENT OF CLAIM:

State here as briefly as possible the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra pages if necessary.)

I. I began my employment with the above-named employer in May 2004 as a TBM Mechanic. I have been subjected to verbal harassment and intimidation by Management. On September 4, 2007, during a safety meeting, Supervisor, Tom Brown (Caucasian) used profane language referring to Hispanic employees. On September 10, 2007, Mr. Brown prohibited Hispanic employees from speaking Spanish in the workplace. I resigned on November 1, 2007.

II. MR. BROWN STATED THAT HE WAS NOT GOING TO ALLOW HISPANIC EMPLOYEES TO SPEAK SPANISH IN THE WORKPLACE BECAUSE HE WAS NOT GOING TO WORK WITH "GARBAGE" DURING HIS SHIFT.

III. I believe that I have been discriminated against because of my national origin (MEXICAN) in violation of TITLE VII of the CIVIL RIGHTS ACT of 1964, as amended.

IV. I believe that Hispanic employees as a class are being treated differently than non-Hispanic employees.

9. The circumstances under which the defendant discriminated against plaintiff were as

follows: I began my employment in May 2004  
as a TBM Mechanic on 2007 during safety meeting  
supervisor, MR Tom brown prohibited Hispanic employees  
from speaking Spanish in the work place

10. The acts set forth in paragraph 9 of this complaint:

- (a)            are still being committed by defendant.
- (b)            are no longer being committed by defendant.
- (c)            may still be being committed by defendant.

11. Plaintiff attaches to this complaint a copy of the charges filed with the Equal Employment Opportunity Commission which charges are submitted as a brief statement of the facts supporting this complaint. WHEREFORE, Plaintiff prays that the Court grant the following relief to the plaintiff:

- (a)            Defendant be directed to employ plaintiff, and
- (b)   X   Defendant be directed to re-employ plaintiff, and
- (c)            Defendant be directed to promote plaintiff, and
- (d)            Defendant be directed to Settlement and that the Court grant such relief as may be appropriate, including injunctive order, damages, costs and attorney's fees.

Fernando Barajas  
(SIGNATURE OF PLAINTIFF)